

**House File 2171 - Introduced**

HOUSE FILE 2171

BY WOLFE

**A BILL FOR**

1 An Act modifying the penalties and the accumulation of earned  
2 time for inmates incarcerated for the commission of certain  
3 felonies which require the inmates to serve at least seventy  
4 percent of the maximum terms of the applicable sentences.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 902.12, Code 2016, is amended to read as  
2 follows:

3 **902.12 Minimum sentence for certain felonies — eligibility**  
4 **for parole or work release.**

5 1. A person serving a sentence for conviction of the  
6 following felonies, including a person serving a sentence for  
7 conviction of the following felonies prior to July 1, 2003,  
8 shall ~~be denied~~ not be eligible to be considered for parole or  
9 work release unless the person has served at least seven-tenths  
10 of the maximum term of the person's sentence:

11 ~~1- a.~~ a. Murder in the second degree in violation of section  
12 707.3.

13 ~~2- b.~~ b. Attempted murder in violation of [section 707.11](#).

14 ~~3- c.~~ c. Sexual abuse in the second degree in violation of  
15 section 709.3.

16 ~~4- d.~~ d. Kidnapping in the second degree in violation of  
17 section 710.3.

18 ~~5- e.~~ e. Robbery in the first or second degree in violation of  
19 section 711.2 or [711.3](#).

20 ~~6- f.~~ f. Vehicular homicide in violation of section 707.6A,  
21 subsection 1 or 2, if the person was also convicted under  
22 section 321.261, subsection 4, based on the same facts or  
23 event that resulted in the conviction under section 707.6A,  
24 subsection 1 or 2.

25 2. Notwithstanding subsection 1, a person serving a  
26 sentence for a conviction of the following felonies committed  
27 on or after July 1, 2016, shall not be eligible to be  
28 considered for parole or work release unless the person  
29 has served at least three-tenths of the maximum term of the  
30 person's sentence:

31 a. Murder in the second degree in violation of section  
32 707.3.

33 b. Attempted murder in violation of section 707.11.

34 c. Sexual abuse in the second degree in violation of section  
35 709.3.

1 d. Kidnapping in the second degree in violation of section  
2 710.3.

3 e. Robbery in the first or second degree in violation of  
4 section 711.2 or 711.3.

5 f. Vehicular homicide in violation of section 707.6A,  
6 subsection 1 or 2, if the person was also convicted under  
7 section 321.261, subsection 4, based on the same facts or  
8 event that resulted in the conviction under section 707.6A,  
9 subsection 1 or 2.

10 3. a. The board of parole, when evaluating an inmate for  
11 parole or work release for a felony offense subject to this  
12 section, shall consider any factors it finds relevant including  
13 but not limited to the following:

14 (1) Previous criminal record.

15 (2) Nature and circumstances of the offense.

16 (3) Recidivism.

17 (4) Convictions or behavior indicating propensity for  
18 violence.

19 (5) Participation in institutional programs, including  
20 academic and vocational training.

21 (6) Psychiatric and psychological evaluations.

22 (7) Length of time served.

23 (8) Evidence of serious or habitual institutional  
24 misconduct.

25 (9) Success or failure while on probation.

26 (10) Prior parole or work release history.

27 (11) Prior refusal to accept parole or work release.

28 (12) History of drug or alcohol abuse.

29 (13) A parole plan formulated by the inmate.

30 (14) General attitude and behavior while incarcerated.

31 (15) A validated risk assessment that includes a risk  
32 categorization taken from a model approved by the department  
33 of corrections.

34 b. The board may request a complete psychiatric or  
35 psychological evaluation of an inmate if, in the opinion of

1 the board, the evaluation would be beneficial to the decision  
2 of the board. The board shall routinely request such an  
3 evaluation of an inmate serving a sentence under this section.

4 Sec. 2. Section 903A.2, subsection 1, unnumbered paragraph  
5 1, Code 2016, is amended to read as follows:

6 Each inmate committed to the custody of the director of the  
7 department of corrections is eligible to earn a reduction of  
8 sentence in the manner provided in [this section](#). For purposes  
9 of calculating the amount of time by which an inmate's sentence  
10 may or may not be reduced, inmates shall be grouped into the  
11 following ~~two~~ three sentencing categories:

12 Sec. 3. Section 903A.2, subsection 1, paragraph a,  
13 unnumbered paragraph 1, Code 2016, is amended to read as  
14 follows:

15 Category "A" sentences are those sentences which are not  
16 ~~subject to a maximum accumulation of earned time of fifteen~~  
17 ~~percent of the total sentence of confinement under section~~  
18 ~~902.12~~ category "B" sentences or category "C" sentences. To  
19 the extent provided in [subsection 5](#), category "A" sentences  
20 also include life sentences imposed under [section 902.1](#). An  
21 inmate of an institution under the control of the department of  
22 corrections who is serving a category "A" sentence is eligible  
23 for a reduction of sentence equal to one and two-tenths  
24 days for each day the inmate demonstrates good conduct and  
25 satisfactorily participates in any program or placement status  
26 identified by the director to earn the reduction. The programs  
27 include but are not limited to the following:

28 Sec. 4. Section 903A.2, subsection 1, paragraph b, Code  
29 2016, is amended to read as follows:

30 *b.* Category "B" sentences are those sentences which are  
31 subject to a maximum accumulation of earned time of fifteen  
32 percent of the total sentence of confinement under section  
33 902.12, subsection 1, and are not category "C" sentences. An  
34 inmate of an institution under the control of the department of  
35 corrections who is serving a category "B" sentence is eligible

1 for a reduction of sentence equal to fifteen eighty-fifths of a  
2 day for each day of good conduct by the inmate.

3 Sec. 5. Section 903A.2, subsection 1, Code 2016, is amended  
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *c.* Category "C" sentences are those  
6 sentences under section 902.12, subsection 2. An inmate of an  
7 institution under the control of the department of corrections  
8 who is serving a category "C" sentence is not eligible for a  
9 reduction of sentence based upon the accumulation of earned  
10 time under paragraph "a" or "b".

11 Sec. 6. Section 903A.7, Code 2016, is amended to read as  
12 follows:

13 **903A.7 Separate sentences.**

14 1. Consecutive multiple sentences that are within the  
15 same category under [section 903A.2](#) shall be construed as one  
16 continuous sentence for purposes of calculating reductions of  
17 sentence for earned time.

18 2. If a person is sentenced to serve sentences of both  
19 categories "A" and "B", category "B" sentences shall be served  
20 before category "A" sentences are served, and earned time  
21 accrued against the category "B" sentences shall not be used  
22 to reduce the category "A" sentences. If an inmate serving  
23 a category "A" sentence is sentenced to serve a category "B"  
24 sentence, the category "A" sentence shall be interrupted, and  
25 no further earned time shall accrue against that sentence until  
26 the category "B" sentence is completed.

27 3. If a person is sentenced to serve both a category "C"  
28 sentence and another category sentence, the category "C"  
29 sentence shall be served before the other category sentence  
30 is served, and no earned time shall accrue until the category  
31 "C" sentence has been served. If an inmate serving another  
32 category sentence besides a category "C" sentence is sentenced  
33 to serve a category "C" sentence, the sentence of the other  
34 category sentence shall be interrupted, and no further earned  
35 time shall accrue against that sentence until the category "C"

1 sentence is completed.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with  
4 the explanation's substance by the members of the general assembly.

5 This bill modifies the penalties and the accumulation of  
6 earned time for inmates incarcerated for the commission of  
7 certain felonies which require the inmates to serve at least 70  
8 percent of the maximum terms of the applicable sentences.

9 The bill modifies the 70 percent sentence requirement under  
10 Code section 902.12 to a 30 percent sentence requirement for  
11 an offense committed on or after July 1, 2016. The bill does  
12 not affect 70 percent sentences committed prior to July 1,  
13 2016. However, the bill amends 70 percent sentence provisions  
14 in newly designated Code section 902.12(1) in the bill, in  
15 order to reflect similar language in the 30 percent sentence  
16 provisions created in new Code section 902.12(2) in the bill.

17 The bill allows a person convicted of the following offenses  
18 if such offense is committed on or after July 1, 2016, to  
19 be eligible for consideration for parole or work release  
20 after serving at least 30 percent of the maximum term of the  
21 sentence: murder in the second degree in violation of Code  
22 section 707.3; attempted murder in violation of Code section  
23 707.11; sexual abuse in the second degree in violation of Code  
24 section 709.3; kidnapping in the second degree in violation of  
25 Code section 710.3; robbery in the first or second degree in  
26 violation of Code section 711.2 or 711.3; or vehicular homicide  
27 in violation of Code section 707.6A(1) or (2), if the person  
28 was also convicted under Code section 321.261(4), based on the  
29 same facts or event that resulted in the conviction under Code  
30 section 707.6A(1) or (2).

31 The bill specifies that the board of parole, when  
32 evaluating an inmate for parole or work release for an  
33 offense committed under Code section 902.12 (both 70 percent  
34 sentences and 30 percent sentences), shall consider any  
35 factors it finds relevant including but not limited to the

1 following factors: previous criminal record, nature and  
2 circumstances of the felony offense, recidivism, convictions  
3 or behavior indicating propensity for violence, participation  
4 in institutional programs, including academic and vocational  
5 training, psychiatric and psychological evaluations, length  
6 of time served, evidence of serious or habitual institutional  
7 misconduct, success or failure while on probation, prior parole  
8 or work release history, prior refusal to accept parole or  
9 work release, history of drug or alcohol abuse, a parole plan  
10 formulated by the inmate, general attitude and behavior while  
11 incarcerated, and a validated risk assessment that includes  
12 a risk categorization taken from a model approved by the  
13 department of corrections.

14 The bill specifies that the board of parole should request a  
15 complete psychiatric or psychological evaluation of an inmate  
16 serving a sentence under Code section 902.12 if, in the opinion  
17 of the board of parole, the evaluation would be beneficial to  
18 the decision of the board.

19 The bill creates a category "C" sentence for the accrual of  
20 earned time by eliminating the ability of a person sentenced  
21 to a 30 percent sentence under the bill to accumulate earned  
22 time for the commission of an offense on or after July 1,  
23 2016. Current law allows a person serving a 70 percent  
24 sentence to be eligible for a reduction of sentence equal to  
25 fifteen eighty-fifths of a day for each day of good conduct  
26 by the inmate up to a maximum amount of earned time of 15  
27 percent of the total sentence of confinement under Code section  
28 903A.2(1)(b).

29 Under the bill, if a person is sentenced to serve both  
30 a category "C" sentence and another category sentence, the  
31 category "C" sentence shall be served before the other category  
32 sentence is served, and no earned time shall accrue until the  
33 category "C" sentence has been served. The bill also provides  
34 that if an inmate serving another category sentence besides  
35 a category "C" sentence is sentenced to serve a category "C"

1 sentence, the sentence of the other category sentence shall be  
2 interrupted, and no further earned time shall accrue against  
3 that sentence until the category "C" sentence is completed.

4     A person who is serving a sentence under the bill which  
5 exceeds 10 years and who is released on parole or work release  
6 shall reside in a residential facility operated by the district  
7 department for a period of not less than one year.